

FINDING OF NO SIGNIFICANT IMPACT

Pershing County Road Department Free Use Permit Renewals and Expansions and Community Pit Designations Environmental Assessment DOI-BLM-NV-W010-2013-0012-EA

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Based on the interdisciplinary analysis conducted in the Pershing County Road Department Free Use Permit Renewals and Expansions and Community Pit Designations Environmental Assessment (EA) DOI-BLM-NV-W010-2013-0012-EA, dated December 2012, and my consideration of the Council of Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and the intensity of impacts, and with the implementation of mitigation measures developed through the analysis (refer to Chapter 6 of the EA), I have determined that there are no significant impacts associated with the Proposed Action Alternative (Proposed Action). Therefore, preparation of an Environmental Impact Statement (EIS) pursuant to Section 102(C) of the National Environmental Policy Act (NEPA) is not required.

The Proposed Action is in conformance with the approved Sonoma-Gerlach Management Framework Plan (1982) and is consistent with other Federal agency, state, and local plans to the maximum extent consistent with Federal law and Federal Land Policy Management Act provisions.

The following mitigations were developed through the analysis in order to reduce impacts:

Native American Religious Concerns

The proposed expansion of the Big Five mineral material site should not be authorized.

The Big Meadows mineral material site boundary should be reduced by 1/3 of the proposed size. The northern boundary should be moved 793 feet south. In order to access the amended mineral material site boundary, PCRDR would need to obtain a ROW from the BLM.

Pursuant to 43 CFR 10.4(g) the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the immediate vicinity of the discovery and protect it from your activities for 30 days or until notified to proceed by the authorized officer.

When previously undiscovered antiquities or other objects of historic or scientific interest including but not limited to historic or prehistoric ruins, vertebrate fossils or artifacts are

discovered in the performance of this permit, the item(s) or conditions(s) will be left intact and immediately brought to the attention of the authorized officer of the BLM.

Lands and Realty

To avoid disturbance of existing power, telephone, and road rights-of-way, there should be no excavation within 40 feet of power poles, telephone poles, pole anchors, or the nearest side of an existing road.

Prior to surface disturbing activities, the mineral material site user should contact ROW holders for location of underground and overhead utilities at the following locations:

Mineral material site Name	Right of Way holder
Butcher Canyon	Orni (Ormat Nevada)
Sonoma Canyon	Sierra Pacific Power Company Nevada Bell Southwest Gas (Paiute Pipeline Co.) BLM-ROWs
Imlay	Nevada Department of Transportation
Big Five	Nevada Bell
Pedro	Sierra Pacific Power Company Southwest Gas U S Gypsum Co
Ragged Top	Sierra Pacific Power Company Southwest Gas
Irish American	Nevada Bell Lovelock Meadows Nevada Division of State Lands Sierra Pacific Power Company
Jersey Valley	Nevada Bell AT & T Sierra Pacific Power Company
Humboldt River Ranch	Humboldt River Ranch Association

Soils

To protect biological crust, the proposed Dixie Cut-off and Butcher Canyon material sites should have additional interim staking, in addition to the corner staking, to limit ground disturbing activities to the proposed areas.

Special Status Species

Prior to issuance of FUPs for material sites within potential habitat for special status plants, a plant survey should be conducted by a qualified botanist and the reports would be submitted to BLM for review and approval. Should a sensitive plant species occur, the habitat for the species would be mapped out and no surface disturbance would occur within that area. BLM would provide PCRD with a list of mineral material sites that may contain suitable habitat for sensitive plant species.

Context

Pershing County Road Department:

The Pershing County Road Department (PCRD) conducts construction and maintenance on over 1,000 miles of roads in rural Pershing County, Nevada. The 1,000 miles of roads in Pershing County includes 914 miles of gravel roads and 86 miles of paved roads that require periodic shoulder work and resurfacing. To complete the required maintenance of roads within Pershing County, the PCRD has been mining and removing sand and gravel (mineral materials) from over 40 mineral material sites within the county. The BLM grants free use of the materials to PCRD for road maintenance and construction under the 43 CFR 3604 regulations. PCRD has applied for the renewal of 28 previously permitted Free Use Permits (FUPs). PCRD has also requested FUPs from 5 locations that would be new mineral material sites.

Other Users:

The public and other interested parties also have a need of these mineral material sites for various purposes. The BLM allows for the public to purchase mineral materials from the locations at fair market costs under the 43 CFR 3602 regulations utilizing a standard mineral materials contract. To facilitate the public's need of materials from such locations, the BLM is proposing to designate 34 of the mineral material sites as new community pits. One of the mineral material sites evaluated in this EA has been previously designated as a community pit, and is recommended for expansion, to allow for future growth.

Intensity

1) Impacts that may be both beneficial and adverse.

The EA considered possible beneficial and adverse impacts of the Proposed Action. Well-maintained roads would provide rural residents good everyday transportation for work and business and the public would benefit from safe access to recreational opportunities.

Impacts from the implementation of the proposed action that stand out as potentially adverse are in the areas of Native American Religious Concerns, Lands and Realty, Soils, and Special Status Species. Mitigation measures to reduce impacts have been developed through the analysis.

Upon exhaustion of each mineral material resource, reclamation would be completed as described in Chapter 2 of the EA.

2) The degree to which the proposed action affects public health or safety.

Activities associated with the Proposed Action are not expected to cause adverse public health effects. No adverse public health or safety effects are expected from use of the reclaimed areas.

3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

The Proposed Action would not affect park lands, prime farmland, wetlands, wild and scenic rivers or ecologically critical areas. All areas to be disturbed by Proposed Action activities have been inventoried and evaluated for historic and/or cultural resources.

The Big Meadows mineral material site would affect access to the Native American cemetery and would impact Traditional Cultural Property sites (TCPs) nearby. Implementation of the recommended mitigation to reduce the proposed mineral material site boundary by 1/3 of the original area would alleviate these concerns.

4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

The removal of sand and gravel for road maintenance is common in Pershing County and throughout Nevada. Issues and concerns brought forward through public scoping were taken into consideration for analysis in preparing the preliminary EA. These issues and concerns were not controversial in nature.

During the public comment period for the Preliminary EA between November 14, 2012 and November 28, 2012, 4 comment letters were received: 2 from property owners in the Humboldt River Ranch Association, 1 from the Humboldt River Ranch Association Board of Directors, and 1 from Paiute Pipeline Co. (Southwest Gas Corp.). These comments transmitted general concerns and opinions with regard to the Proposed Action, but did not demonstrate a high level of controversy.

5) The degree to which the possible effects on the quality of the environment are likely to be highly uncertain or involve unique or unknown risks.

The proposed action is commonly implemented throughout the state and is not expected to create uncertain, unique, or unknown risks.

6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

Implementation of the proposed action would not set any known precedents or establish any principles for future decisions. The proposed activities are commonly applied.

7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

Cumulative impacts were analyzed for the potential effects on Air Quality; Invasive, Non-Native Species; Migratory Birds; Special Status Species; Wildlife; Native American Religious Concerns; Lands and Realty, Minerals; Social Values and Economics; Soils; and Vegetation resources. Detailed analyses of these resources were done to assess the potential cumulative impacts. When evaluated together with other past, present or reasonable foreseeable activities in the area, the Proposed Action would not result in cumulatively significant impacts at the local or landscape scale.

8) *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or may cause loss or destruction of significant scientific, cultural, or historic resources.*

The Proposed Action, with the implementation of the mitigation measures identified above, would have no adverse effects to known cultural or historic resources.

9) *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under ESA of 1973.*

No species listed as threatened or endangered under the Endangered Species Act occur within the project area, nor would any be impacted by the Proposed Action.

The greater sage-grouse (*Centrocercus urophasianus*) is a candidate species for listing under the federal Endangered Species Act (ESA), and impacts to sage-grouse were analyzed in this EA. The EA determined that no impacts to sage grouse are anticipated.

10) *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*

No threats of violation of Federal, State, or local laws imposed for the protection of the environment were identified in the preparation of the EA

\S\ Ken Loda for
Edward Seum
Field Manager
Humboldt River Field Office

19 December 2012
Date